

## PART 530I--FEDERAL ACQUISITION REGULATIONS SYSTEM

**PART 530I--FEDERAL ACQUISITION REGULATIONS SYSTEM**

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## PART 5301--FEDERAL ACQUISITION REGULATIONS SYSTEM

SUBPART 5301.1--PURPOSE, AUTHORITY, ISSUANCE		<u>Cite</u>	<u>TITLE</u>	<u>OPR</u>
<p><b>5301.101 Purpose.</b> The Air Force Federal Acquisition Regulation Supplement (AFFARS or AF FAR Supplement) establishes uniform policies and procedures for the Air Force implementing and supplementing the Federal Acquisition Regulation (FAR), the Department of Defense FAR Supplement (DFARS), and other DOD publications concerning contracting.</p> <p><b>5301.103 Applicability.</b> The AFFARS applies to all Air Force acquisition of supplies and services which obligate appropriated funds.</p> <p><b>5301.104 Issuance.</b></p> <p><b>5301.104-3 Copies.</b> A subscription to the AFFARS is available for purchase from the Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402.</p>		1.7	and Responsibilities	AQCS
		5301.90	Determinations and Findings	AQCS
			Contract Clearance Process	AQCS
		Part 2	Definitions	AQCF
		Part 3	Improper Business Practices and Personal Conflicts of Interest	AQCX
		Part 4 except	Administrative Matters	AQCO
		4.4	Safeguarding Classified Information within Industry	AQCP
		4.6	Contract Reporting	AQCP
		4.7	Contractor Records Retention	AQCP
		4.9	Information Reporting to the Internal Revenue Service	AQCP
<p><b>5301.201 Maintenance of the FAR.</b></p> <p><b>5301.201-1 The two councils.</b> Submit proposed revisions (including those resulting from suggestions under AFI 38-401) to the FAR, DFARS or AFFARS through major commands to SAF/AQCF.</p> <p><b>5301.290 Designation of offices of primary responsibility (OPR).</b> This subpart identifies the office of primary responsibility (OPR) within the Office of the Assistant Secretary (Acquisition) (SAF/AQ) and the Office of Small and Disadvantaged Business Utilization (SAF/SB) for policy and actions on matters related to the various parts of the FAR, DFARS, and AFFARS. Direct questions of interpretation and policy to the OPR as follows:</p>		204.70	Uniform Procurement Instrument Numbers	AQCX
		204.71	Uniform Contract Line Item Numbering System	AQCX
		204.72	Contractor Identification	AQCP
		Part 5	Publicizing Contract Actions	See subparts
		5.1	Dissemination of Information	SAF/SB
		5.2	Synopses of Proposed Contract Actions	SAF/SB
		5.3 except	Synopses of Contract Awards	SAF/SB
		5.303	Announcement of Contract Awards	AQCX
		5.4	Release of Information	AQCX
		5.5	Paid Advertisements	AQCO
<p><b>5301.201 Maintenance of the FAR.</b></p> <p><b>5301.201-1 The two councils.</b> Submit proposed revisions (including those resulting from suggestions under AFI 38-401) to the FAR, DFARS or AFFARS through major commands to SAF/AQCF.</p> <p><b>5301.290 Designation of offices of primary responsibility (OPR).</b> This subpart identifies the office of primary responsibility (OPR) within the Office of the Assistant Secretary (Acquisition) (SAF/AQ) and the Office of Small and Disadvantaged Business Utilization (SAF/SB) for policy and actions on matters related to the various parts of the FAR, DFARS, and AFFARS. Direct questions of interpretation and policy to the OPR as follows:</p>		Part 6	Competition Requirements	AQCS
		Part 7	Acquisition Planning	See subparts
		7.1	Acquisition Plans	AQCS
		7.2	Planning for the Purchase of Supplies in Economic Quantities	AQCS
		7.3	Contractor vs Government Performance	AQCO
		7.4	Equipment Lease or Purchase	AQCO
		Part 8	Required Sources of Supplies and Services	AQCO
		Except: 208.070	Industrial Preparedness Production Planning	AQXM
		8.2	Jewel Bearings and Related Items	AQXM
		208.71	Acquisition for NASA	AQCO
		208.72	Industrial Preparedness Planning	AQXM
<u>Cite</u>	<u>TITLE</u>	<u>OPR</u>		
Part 1	FAR System	See subparts		
1.1	Purpose, Authority, Issuance	AQCF		
1.2	Administration	AQCF		
1.3	Agency Acquisition Regulations	AQCF		
1.4	Deviations from the FAR	AQCF		
1.5	Agency and Public Participation	AQCF		
1.6	Contracting Authority	AQCO		

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Cite	TITLE	OPR	Cite	TITLE	OPR
208.73	Use of Government-Owned Precious Metals	AQCP	Part 16 except 16.103	Type of Contracts Negotiating Contract Type	AQCP AQCS
Part 9	Contractor Qualifications	See subparts	16.5	Indefinite-Delivery Contracts	AQCO
9.1	Responsible Prospective Contractors	AQCO	16.6 except	Time-and-Materials, Labor-Hour, and Letter Contracts	AQCO
9.2	Qualification Requirements	AQXM	16.603	Letter Contracts	AQCS
9.3	First Article Testing	AQXM	16.7	Agreements	AQCO
9.4	Debarment, Suspension, and Ineligibility	AQCX	Part 17 except 17.1	Special Contracting Methods Multiyear Contracting	AQCO AQCS
9.5	Organizational and Consultant Conflicts of Interest	AQCX	17.4	Leader Company Contracting	AQCS
9.6	Contractor Team Arrangements	AQCS	217.73	Identification of Sources Supply	AQCS
9.7	Defense Production Pools and R&D Development Pools	AQCS	217.74	Unfinitized Contract Actions	AQCS
Part 10	Specifications, Standards, Purchase Descriptions	AQXM	217.75	Acquisition of Replenishment Parts	AQCS
Part 11	Acquisition and Distribution of Commercial Products	AQCO	217.76	Contracts with Provisioning Requirements	AQCS
Part 12	Contract Delivery or Performance	See subparts	217.77	Over and Above Work	AQCS
12.1	Delivery or Performance Schedules	AQCO	5317.90	Establishing Additional Manufacturing Sources	AQCS
12.2 except 12.202(a)/(d)	Liquidated Damages Policy	AQCO AQCP	Part 19	Small Business and Small Disadvantaged Business Concerns	SAF/SB
12.3	Priorities and Allocations	AQXM	Part 20	Labor Surplus Area Concerns	SAF/SB
12.4	Variation in Quantity	AQCO	Part 22 except 22.103	Application of Labor Laws to Government Acquisitions Overtime	AQCO AQCP
12.5	Suspension of Work, Stop-Work Orders, and Government Delay of Work	AQCP	Part 23	Environment, Conservation, Occupational Safety, and Drug-Free Workplace	AQCO
Part 13	Small Purchase and Other Simplified Purchase Procedures	AQCO	Part 24	Protection of Privacy and Freedom of Information	AQCX
Part 14	Sealed Bidding	AQCO	Part 25 except 25.9	Foreign Acquisition Omission of the Examination of Records Clause	AQCO AQCP
Part 15	Contracting by Negotiation	See subparts	Part 26	Other Socioeconomic Programs	SAF/SB
15.1 except	General Requirements for Negotiation	AQCS	Part 27	Patents, Data, and Copyrights	AQCS
15.106	Examination of Records and Audit Clauses	AQCP	Part 28	Bonds and Insurance	AQCO
15.4	Solicitation and Receipt of Proposals and Quotations	AQCS	Part 29	Taxes	AQCP
15.5	Unsolicited Proposals	AQCS	Part 30	Cost Accounting Standards	AQCP
15.6	Source Selection	AQCS	Part 31	Contract Cost Principles and Procedures	AQCP
15.7	Make-or-Buy Programs	AQXM			
15.8	Price Negotiation	AQCP			
15.9	Profit	AQCP			
15.10	Preaward, Award and Postaward Notifications, Protests, and Mistakes	AQCO			

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<u>Cite</u>	<u>TITLE</u>	<u>OPR</u>	<u>Cite</u>	<u>TITLE</u>	<u>OPR</u>
Part 32	Contract Financing	AQCP			the clause or provision.
Part 33	Protests, Disputes and Appeals	AQCX			
Part 34	Major System Acquisition	AQCS	Part 53	Forms	See the Subpart for each form
Part 35	Research and Development Contracting	AQCS	Part 5390	Contracting Support for Specific Air Force Acquisitions	AQCO
Part 36	Construction and Architect-Engineer Contracts	AQCO		<u>DFARS Appendices</u>	
			<u>Appendix</u>	<u>TITLE</u>	<u>OPR</u>
Part 37	Service Contracting	AQCO	A	Armed Services Board of Contract Appeal	AQCX
Part 38	Federal Supply Schedule Contracting	AQCO	B	Coordinated Acquisition Assignments	AQCO
Part 39	Acquisition of Information Resources	AQCO	C	Contractor Purchasing System Reviews	AQCP
Part 41	Acquisition of Utility Services	AQCO	D	Component Breakout	AQXM
Part 42	Contract Administration and Reporting	AQCP	E	DoD Spare Parts Breakout Program	AQCS
Part 43	Contract Modifications	AQCS	F	Material Inspection and Receiving Report	AQXM
Part 44	Subcontracting Policies and Procedures	AQCP	G	Activity Address Numbers	AQCO
Part 45	Government Property	AQCP		<u>AFFARS Appendices</u>	
			<u>Appendix</u>	<u>TITLE</u>	<u>OPR</u>
Part 46 except 46.7	Quality Assurance Warranties	AQXM AQCS	AA	Formal Source Selection for Major Acquisitions	AQCS
Part 47	Transportation	AQCO	BB	Streamlined Source Selection Procedures	AQCS
Part 48	Value Engineering	AQXM	ZZ	Staffing Regulatory Contracting Approval Documents	AQCS
Part 49	Termination of Contracts	AQCP			
Part 50 except 250.403	Extraordinary Contractual Action Special procedures for unusually hazardous or nuclear risks	AQCX AQCS			
Part 51	Use of Government Sources by Contractors	AQCO			
Part 52	Solicitation Provisions and Contract Clauses	See the Subpart that prescribes			

## SUBPART 5301.3--AGENCY ACQUISITION REGULATIONS

**5301.301 Policy.** The AFFARS is prepared and maintained by the Assistant for FAR System, Deputy Assistant Secretary (Contracting) (SAF/AQCF). Major commands, centers within AFMC, and the FOAs and DRUs identified in 5301.601-91 may issue FAR, DFARS and AFFARS supplements, if essential to their particular needs.

**5301.304 Agency control and compliance procedures.**

(a) Major command, FOA, and DRU directors of contracting shall establish procedures to ensure that all FAR supplements issued within their commands comply with the control and maintenance concepts under this subpart. Submit procurement policies, regulations, procedures, clauses and forms that require approval by the Director, Defense Procurement to SAF/AQCF for processing. The request shall include a

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detailed justification using the format at DFARS 201.201-1. SAF/AQCF will staff each request through the Secretariat and arrange for publication in the Federal Register. The requesting activity will be responsible for evaluating public comments and preparing a final package for SAF/AQCF to submit to the Director of Defense Procurement.

(b) Major commands, FOAs, and DRUs shall send two copies of their FAR Supplement and changes when they are issued to SAF/AQCF, 1060 Air Force Pentagon, Washington DC 20330-1060.

### SUBPART 5301.4--DEVIATIONS FROM THE FAR

#### 5301.402 Policy.

(3) Submit deviation requests as follows-

(i) Major commands, FOAs, and DRUs shall submit requests for class deviations and individual deviations from the five FAR/DFARS parts and subparts listed in DFARS 201.402(1)(i) to SAF/AQCF for processing to the Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition and Technology), USD(A&T)DP for approval.

(ii) The Head of a Contracting Activity (HCA) and those designees identified in 5301.601-91 are authorized to approve individual deviations for Other Contracting (see 5302.101). In addition, the Assistant Secretary of the Air Force (Acquisition), ASAF(A), who is the HCA for all programs (Major, Selected, and Other Programs - see 5302.101), has delegated the authority to approve individual deviations for contracts for all programs to the HQ AFMC Deputy Chief of Staff (DCS) for Contracting, and for any programs executed within other major commands, to the command director of contracting. This authority may be exercised by the DCS, Associate DCS, and the Assistant DCS.

### SUBPART 5301.5--AGENCY AND PUBLIC PARTICIPATION

#### 5301.501 Solicitation of agency and public views.

#### 5301.501-90 Procedures for publicizing in the Federal Register.

(a) Proposed Federal Register notices shall be typewritten and double-spaced. The Air Force has been assigned Chapter 53 of Title 48 Code of Federal Register (CFR). Therefore, when preparing Federal Register Notices, the responsible activity shall number the FAR supplement as

indicated in the following examples::

(1) An ACC supplement to FAR 1.402 would be referred to as 5301.402 (ACC).

(2) Product or Air Logistics Centers within AFMC shall cite major command and activity titles, such as 5301.402(AFMC/ESC) or 5352.225-9000(AFMC/ESC).

(b) Forward proposed Federal Register notices through the major command, FOA, DRU director of contracting to SAF/AQCF.

### SUBPART 5301.6--CONTRACTING AUTHORITY AND RESPONSIBILITIES

#### 5301.601 General.

#### 5301.601-90 Agency head.

As Agency Head, the Secretary of the Air Force establishes policies for, directs, and supervises the Department's activities with respect to contracting and related matters. The General Counsel, as the Secretary's legal advisor, is the final authority on all legal questions. By delegation of authority from the Secretary, established policies are implemented and other appropriate instructions are issued to lower echelons by the Assistant Secretary of the Air Force (Acquisition), ASAF(A), and the Deputy Assistant Secretary (Contracting), SAF/AQC.

#### 5301.601-91 Establishment of heads of contracting activities.

(a) The Assistant Secretary of the Air Force (Acquisition), ASAF(A), is HCA for Major, Selected and Other Programs (see 5302.101). The commanders (and when the commander is absent, the vice commanders) of the following organizations are designated HCAs for Other Contracting only (see 5302.101):

- (1) Air Combat Command.
- (2) Air Education and Training Command.
- (3) Air Mobility Command.
- (4) Air Force Materiel Command.
- (5) Air Force Space Command.
- (6) Pacific Air Forces.
- (7) United States Air Forces in Europe.



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HCA's may designate the headquarters staff officer with overall responsibility for contracting in the organization to exercise any delegable HCA authority (see the definition "Designee" at 5302.101). In addition, HCA's may designate an individual to approve justifications under FAR 6.304(a)(3), provided the individual meets the requirements of FAR 6.304(a)(3)(i) or (ii) and is in a position in the organization no lower than the procuring activity competition advocate who is designated to exercise the authority of FAR 6.304(a)(2).

(b) The Deputy Assistant Secretary (Contracting), SAF/AQC, is the HCA for the following organizations:

- (1) 11th Wing.
- (2) Air Force Reserve.
- (3) Air Force Special Operations Command.
- (4) USAF Academy.

The commanders of these organizations are hereby designated the "Designee" to the HCA (see 5302.101), with the power of redelegation not below the level of the staff officer with overall responsibility for contracting in the organization.

(c) Commanders of Air Force unified command components deployed in support of JCS declared contingency operations or contingency exercises are hereby designated the "Designee" to the HCA (see 5302.101). Appendix CC further describes the flow of contracting authority in support of overseas contingencies and exercises.

(d) Commanders of major commands, FOAs, and DRUs, who are not designated HCA's, but who have a need for one of the HCA authorities prescribed in the FAR, DFARS, or this Supplement, shall submit a request for such authority to the Deputy Assistant Secretary (Contracting), SAF/AQC.

**5301.601-92 Delegation of general contracting authority.**

(a) The Secretary of the Air Force by Secretary of the Air Force Order (SAFO) 650.4, effective 21 May 1992, in conjunction with SAFO 100.1, dated 1 May, 1990, delegated general contracting authority to the Assistant Secretary of the Air Force (Acquisition), (ASAF(A)), the Principal Deputy Assistant Secretary of the Air Force (Acquisition)(PDASAF(A)), the Principal Deputy Assistant Secretary of the Air Force (Acquisition & Management) (PDASAF(A&M)), and the Deputy Assistant Secretary (DAS) (Contracting). This authority may also be exercised

by the Associate DAS (Contracting) and the Assistant DAS (Contracting). This authority is hereby redelegated by the DAS (Contracting) to the commanders of the organizations identified in DFARS Subpart 202.1 and 5301.601-91 for Other Contracting only (see 5302.101). All previous delegations of general contracting authority are rescinded. This delegation is a general one, and all other existing or future delegations, regulations, or directives issued by competent authority, to the extent to which they would, expressly or by reasonable implication, limit the scope of or impose conditions or restrictions upon the exercise of the general authorities cited in the above referenced delegation instruments, shall be controlling. The authority delegated by SAFO 650.4 may be redelegated with or without the authority to make successive redelegations and under such terms, conditions, and limitations as may be deemed appropriate. This general contracting authority includes authority to enter into, execute, and approve contracts.

(b) ASAF(A) has delegated to the PDASAF(A&M) the following specific authorities—

(1) Authority to approve, without authority to redelegate, acquisition plans (APs) as specified at 5307.104-90(b)(1); and

(2) Source Selection Authority (SSA), with authority to redelegate, for those Communications and Computer Acquisitions designated as a MAIS or estimated to require \$100 million or more and not assigned to a PEO.

(c) ASAF(A) and DAS (Contracting) retain general contracting authority. The following authorities for Major, Selected, and Other Programs are hereby delegated by the DAS (Contracting):

(1) Through Program Executive Officers (PEOs) designated by ASAF(A), to Buying Office Contracting Official (BOCO) under the PEO, the authority to enter into, execute, and approve contracts (including change orders, supplemental agreements, and other amendments to contracts), letter contracts and other contractual actions, including terminations and settlements, for assigned Major and Selected Programs. This authority may be redelegated to contracting officers within or supporting the program office under such terms, conditions, and limitations as may be deemed appropriate.

(2) To Designated Acquisition Commanders (DACs), the authority to enter into, execute, and approve contracts (including change orders, supplemental agreements, and other amendments to contracts), letter contracts, and other contractual actions, including terminations and settle-

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ments, for Other Programs and for Major Programs within their purview and not assigned to a PEO. This authority may be redelegated with or without the authority to make successive redelegations and under such terms, conditions, and limitations as may be deemed appropriate.

(3) To the commanders of organizations identified in DFARS 202.1 and the FOAs and DRUs at 5301.601-91, the authority to enter into, execute, and approve contracts (including change orders, supplemental agreements, and other amendments to contracts), letter contracts, and other contractual actions, including terminations and settlements, for any programs within their purview and not included in (c)(1) or (2) above. This authority may be redelegated with or without the authority to make successive redelegations and under such terms, conditions, and limitations as may be deemed appropriate.

(4) The authorities delegated in (c)(1), (2) and (3) above may be executed only by contracting officers appointed under 5301.603 and are subject to the business clearance and contract clearance requirements of Subpart 5301.90.

(d) The ASAF(A) delegates the following specific contracting authorities to PEOs/DACs for their assigned programs:

(1) Chair Acquisition Strategy Panels (ASPs) under 5307.104-91.

(2) Approve acquisition plans (APs) below the thresholds that require SPE approval (5307.103).

(3) Approve Justifications and Approvals (J&As) within statutory thresholds (see FAR 6.304(a)(3) and 5306.304(a)(3)).

(4) Approve business clearances in accordance with 5301.90.

(5) Approve the issuance of undefinitized contractual actions (UCAs) and exercise other approvals under DFARS 217.74 and 5317.74.

(6) Serve as source selection authority (SSA) when delegated by ASAF(A) under AFFARS Appendix AA. Automatically serve as Source Selection Authority for all source selections when the source selection value for the instant contract action is estimated below \$500,000,000 for production and below \$300,000,000 for RDT&E unless this authority is retained by the ASAF(A). For Source Selection Activity, where the instant contract action is estimated below \$500,000,000 for production contract actions and below \$300,000,000 for RDT&E contract actions, formal or streamlined source selection

procedures may be used. Whenever ASAF(A) is the SSA, the procedures contained in AFFARS Appendix AA must be followed. For Communications and Computer Acquisition contract actions, the PEO automatically serves as SSA when the instant contract action is estimated below \$100,000,000.

(7) Normally serve as source selection advisory council (SSAC) chairperson when ASAF(A) is the SSA under AFFARS Appendix AA.

(8) Serve as Fee Determining Official (FDO) for award fee contracts, with authority to redelegate.

(9) Approve Determinations and Findings (D&Fs) below the thresholds that require ASAF(A) approval (see FAR 6.202(a) and 5306.202(a)).

(e) In support of ASAF(A) as the HCA for programs and to provide consistent, expert staff support on programs to PEOs and DACs, HQ AFMC DCS for Contracting shall exercise specific contracting authorities and responsibilities as a service for ASAF(A). For any Selected Programs assigned to a PEO and executed by major commands, FOAs or DRUs other than AFMC, these authorities and responsibilities shall be exercised by the major command director of contracting. These authorities and responsibilities include:

(1) Participate in Acquisition Strategy Panels (ASPs) under 5307.104-91.

(2) Review APs that require SPE approval under 5307.1.

(3) Review J&As that require SPE approval under 5306.3.

(4) Review requests for business clearance and advise the approval authority under 5301.90.

(5) Approve contract clearances under Subpart 5301.90.

(6) Appoint contracting officers within their commands and redelegate authority to appoint contracting officers under 5301.603.

(7) Issue guidance in command FAR Supplements and contracting regulation supplements necessary to ensure consistency between contracting for Major, Selected and Other Programs and Other Contracting (see 5302.101) in dealing with industry and to avoid unnecessary proliferation of implementing instructions.

(8) Review D&Fs that require SPE approval under 5306.2.



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(9) Participate as a SSAC member, as appropriate.

(10) Provide contracting staff support to PEOs to comply with Air Force regulations (for example, 5301.601-92(f)(2)) and also to respond to PEO consultation or assistance requests.

(f) As specified in this supplement or delegated by the AFMC product or logistics center commanders, the Senior Center Contracting Official shall exercise similar authorities and responsibilities to those specified in (e) above as a service to ASAF(A) in support of PEOs, DACs and program managers for contracting actions that are below the thresholds specified for HQ AFMC DCS for Contracting action. Specifically included is the authority to issue center level FAR and contracting regulation supplements consis-

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tent with 5301.601-92(e)(7). Additionally, in order to effectively use manpower resources, Center Commanders and their staffs shall provide the following additional contracting support to PEO assigned Major and Selected Programs:

(1) Centralized writing of contract documents (at locations where this service is available).

(2) Distribution of contracts as required by FAR 4.2, as supplemented.

(3) Cost and price analysis and should cost analysis, in accordance with FAR 15.805 and 15.810, as supplemented.

(4) Solicitation Review Panels.

(5) Source selection support, training, and records maintenance, required by AFFARS Appendix AA and AFFARS Appendix BB.

(6) Support in using the Contractor Performance Assessment Reports, including training and records maintenance.

(7) Support for terminations and settlements in accordance with FAR Part 49, as supplemented.

All program offices are encouraged to use the Center Commander's centralized staff for consultation and guidance on contracting issues. This is strongly encouraged for issues or documents requiring higher level reviews and approvals.

(g) In addition to limitations and conditions applicable to and included with individual delegations, the following subparagraphs apply to all delegations of contracting authority and are published in this subparagraph to eliminate their repetition.

(1) Authorities delegated may be redelegated, unless expressly prohibited in individual authorizations.

(2) All redelegations, withdrawals, or rescissions of authority shall be in writing over the personal signature and title of the person vested with the authority. Delegations and redelegations shall be made to official positions and not to individuals by name, except in the case of designations of contracting officers and representatives of contracting officers.

(i) PEOs will provide a copy of all redelegations, withdrawals, or rescissions of authority to the implementing acquisition command DCS for Contracting for retention.

(ii) The implementing acquisition command DCS for Contracting will, at the PEO's request, prepare written redelegations, withdrawals, or rescissions of authority for the PEOs signature.

(3) Delegations of authority do not affect the authority of the delegator to exercise any of the authority delegated or to issue instructions concerning the exercise of such authority.

(4) In the absence of a person occupying a position to which authority has been delegated, the authority may be exercised by the person who is occupying the position in an "acting" capacity. "Absence" means absent from the installation, on leave, or temporary duty travel. In cases of extreme emergency "absence" may be construed to mean absence from the office regardless of whereabouts, except it does not apply to redelegations of authority which must be accomplished by the person occupying the position to which authority has been delegated.

(5) The business clearance and contract clearance approval authorized by delegations of authority shall be made in person by the individual(s) occupying the position to which the authority has been delegated. Execution of such approval by one individual for, or over the signature of, another is unauthorized. Persons serving in an acting capacity shall execute authority as delegated, over their own name with the signature element stating the capacity in which they are acting.

(6) When contracting authority is limited as to dollar amount, the limitation includes:

(i) Any contract instrument initially involving a sum in excess of the dollar limitation considering the aggregate of obligated and committed funds and any potential "connecting charge" or "termination liability" established in it;

(ii) Contracts firmly negotiated for the total cost of the program but which are funded for less than total cost of the program as firmly negotiated;

(iii) The estimated dollar amount of supplies and services to be purchased during the contract period for requirements and indefinite quantity contracts. Such contracts are required to include on their face, as an administrative recital, a bona fide estimate of the aggregate amount;

(iv) Any contract instrument exceeding the dollar limitation which increases the allotment of funds for reimbursement under a cost-reimbursement or time-and-materials type of contract;

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(v) Any contract modification either increasing or decreasing the value of the contract by more than the dollar limitations specified by the HCA, or designee;

(vi) Any contract modification containing both increases and decreases when the aggregate value of the changes exceeds the dollar limitations specified by the HCA, or designee regardless of the net amount of the modification; and

(vii) Utility contracts when the estimated annual service charge plus the connection or termination charge, if any, exceeds the dollar limitation.

these contingencies is difficult to predict, it is clear that detailed planning and training are essential elements to effective contracting participation in these contingencies. In addition, because contingency operations may require temporary deployment of contracting officers to another command or theater, either CONUS or overseas, organizational responsibilities and the flow of contracting authority may also be affected. Appendix CC describes the Air Force Contingency Operational Contracting Support Program (COCSP) and provides policies, assigns responsibilities, and implementing procedures for contracting in support of contingency situations.

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(7) Requirements aggregating more than the dollar amount of the contracting authority delegated shall not be broken down into more than one purchase transaction for the purpose of avoiding authority limitations.

(h) In AFMC, every program will normally have two Senior Center Contracting Officials (SCCOs) and two Buying Office Contracting Officials (BOCOs) comprising two teams. One team (an SCCO and a BOCO) will support the System Program Director (SPD) and the other will support either a System Support Manager (SSM) or a Development Support Manager (DSM). Unless otherwise specified, the team referred to as "the responsible SCCO/BOCO" will be the one where the contracting is actually being accomplished. The SCCO at Space and Missile Systems Center may delegate to the BMO Deputy for Contracting the authority to act as SCCO for BMO contract actions (e.g., acquisition plans and J&As) in support of Major or Selected Programs assigned to a PEO.

**5301.601-93 Contracting for operational, manned aircraft.** The PEO/DAC shall notify SAF/AQ, through SAF/AQCS of any impending contract action for operational manned aircraft that is not expected to exceed \$200M. This notice shall be in writing, made prior to finalizing the acquisition strategy, and include the program name, estimated dollar value, location of the buying activity, type of program (PEO or DAC), proposed acquisition strategy, and any other pertinent information. SAF/AQ will use this information to determine the extent of its involvement in the acquisition. Allow 30 calendar days for processing after receipt by SAF/AQCS. Notification by FAX at (703) 614-7596 is acceptable.

**5301.601-94 Contracting support in emergency situations.** Contracting support is an essential element of the Air Force response to contingency operations such as military action, natural disasters and other similar situations. While the precise nature and scope of the contracting support to

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**5301.601-95 Legal review.**

(a) When there is doubt or controversy about the interpretation or application of contracting statutes, policies, directives, and regulations, contracting offices shall get legal advice. During all phases of major acquisitions, and particularly during the formative stages, legal advice should be sought to avoid or minimize legal problems. Each staff judge advocate is responsible for providing legal assistance and advice throughout the contracting process, but this can only be given to the extent that contracting personnel ask for it. The following are typical contracting situations in which legal assistance may be required:

(1) Presolicitation. Full and open versus other than full and open competition; required J&As; required Determinations and Findings; selection of contract type; use of integrating contractor versus total system performance responsibility; availability of adequate data and data rights; delegations; and unsolicited proposals.

(2) Solicitation and award. Appropriate special clauses (for example, warranties, options, milestones, incentives, indemnification, organizational conflicts of interest, consequential damages, savings provisions, patent and data rights, contract funding); deviations; source selection criteria; determination of competitive range; business and contract clearances; alleged patent or copyright infringement; royalties; best and final offers (BAFOs) and closing negotiations; certified cost or pricing data; responsiveness; contractor responsibility; mistakes in bids; late bids and proposals; buy-ins; protests against award; bidders/offeror conferences and debriefings; bonds; and bailments.

(3) Contract administration. Allowable costs, suspensions/reductions of progress payments, and disallowances; advance agreements (see FAR 31.109); Cost Accounting Standards; defective performance (i.e. contractor or Government liability, latent defects, warranties, correction of deficiencies, excusable delays), defective pricing (10 USC 2306a); labor relations and statutes; prime and subcontractor claims; disputes and litigation; invention disclosure reports; information release (Freedom of Information Act); patent and data rights clause enforcement; Government furnished property liability; conflicts of interest; debarments; suspensions; ratification; fraud; PL 85-804 claims; Congressional and GAO inquiries; contingent fee violations; amendment of delivery schedules; show cause, cure and delinquency notices; exercise of options.

(4) Contract terminations and close-out. Default notices; terminations for convenience; final contract release; and clearance of final patent and royalty reports.

(b) Commanders of major commands, FOAs and DRUs shall issue procedures which specify the monetary thresholds for obtaining required legal review by the appropriate staff judge advocate on contractual documents issued by their activities for Other Contracting (see 5302.101). The procedures may identify any areas in which "legal problems and matters" require consultation, coordination, or review by the staff judge advocate office regardless of the dollar amount of the contract.

(c) For all Major, Selected, and Other Programs, legal review by the local staff judge advocate is required for:

(1) all contracting documents that are expected to result in an obligation to the government or a change in contract value of \$500,000 or more;

(2) other documents specifically designated in other parts of the FAR, DFARS or AFFARS for legal review; and

(3) documents below \$500,000 that the Senior Center Contracting Official and the local staff judge advocate agree should be reviewed.

(d) If agreed to by the Senior Center Contracting Official and the local staff judge advocate, for Major, Selected and Other Programs, legal review need not be obtained for funding documents in which changes are made to revise the obligated amount and there is no change in other terms or conditions of the contract nor type of funds being used.

(e) The Senior Center Contracting Official and the local staff judge advocate shall consult to establish procedures for seeking and providing legal advice on other contracting matters pertaining to Major, Selected and Other Programs. The PEO, System Program Director (SPD) and either the System Support Manager (SSM) or Development Support Manager (DSM) shall be consulted when establishing procedures related to assigned programs. The local staff judge advocate shall consult with SAF/GCQ, when the matter under review is likely to be brought to the attention of the PEO, SAE, or higher authority.

(f) When legal review is required, it shall be obtained before execution of the document and the record of review shall be made on AF Form 3059, Staff Judge Advocate Coordination Sheet Procurement Contract, and placed in the official contract file.

**5301.602 Contracting officers.**

**5301.602-1 Authority.** Contracting officers are authorized to enter into and execute contracts funded either partially or completely with nonappropriated funds. In addition, con-

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tracting officers shall provide technical guidance and assistance to nonappropriated fund custodians upon request.

**5301.602-2 Responsibilities.** Contracting officer representatives who perform technical monitoring of service contracts to which AFI 64-108 applies are called quality assurance evaluators (QAE). AFI 64-108 contains QAE requirements.

**5301.602-3 Ratification of unauthorized commitments.**

(b)(3)(i) The authority to ratify an unauthorized commitment, involving a Major, Selected or Other Program (see 5302.101), is retained by ASAF(A). The authority to ratify an unauthorized commitment, involving Other Programs or Major Programs not assigned to a PEO and within the purview of an AFMC Center, is delegated to the commander of these organizations for actions less than \$25,000, with authority to redelegate.

(ii) When an unauthorized commitment involves a Major or Selected Program under a PEO or exceeds the authority delegated in (a) above, the organization's director of contracting shall review and process the ratification package through SAF/AQC (and for assigned programs, the PEO) for ASAF(A) approval, if appropriate.

(iii) The authority to ratify an unauthorized commitment, involving Other Contracting (see 5302.101), of the organizations specified in DFARS Subpart 202.1 and 5301.601-91(b) is delegated to the commander of these organizations, with authority to redelegate.

(iv) When an unauthorized commitment occurs within a tenant organization, including those activities listed in 5301.601-91(b), the host command shall investigate, process and, if appropriate, approve the ratification. The host command shall provide copies of the ratification to the tenant's parent organization.

(c)(7) The official delegated the authority to ratify unauthorized commitments shall establish ratification procedures.

**5301.602-90 Organizational placement of contracting officers.** Commanders and others having administrative supervision over contracting officers shall bear in mind that acts exceeding the delegated powers of the contracting officer do not bind the government and shall refrain from directing contracting officers to take action which might expose the contracting officer to serious consequences. The office of the contracting officer shall be placed at a level in the local organization, which will protect it from intraorganizational pressure to perform improper acts, or expose the contracting officer to personal risk and the Air Force to criticism.

**5301.603 Selection, appointment, and termination of appointment.**

**5301.603-2 Selection.** In addition to the requirements in the FAR, contracting officer appointments shall be limited to--

(1) commissioned officers who have been awarded Air Force Specialty Codes (AFSC) 6516, 6524, 6534, or 6596;

(2) noncommissioned officers, E-6 and above, who have been awarded AFSC 65170 or 65190; and

(3) fully qualified civilians at the journeyman level and above in the GS-1102 occupational series, who occupy a manning authorization listed under these Speciality Codes.

**5301.603-2(90) Limited contracting officer authority.** Limited contracting officers' appointments may be made for the following categories of personnel.

(a) Commissioned officers and civilians who have at least two years of contracting and/or production experience, with authority limited to placement of orders against priced blanket purchase agreements, delivery orders, purchase orders, and modifications thereto.

(b) Noncommissioned officers, E-5 and above, who have at least two years of contracting experience and possess primary AFSC 65170, with authority limited to the placement of orders against priced blanket purchase agreements, delivery orders, purchase orders, and modifications thereto.

(c) Contracting personnel involved in issuing orders for provisioned items under DFARS 217.76.

(d) Transportation personnel, with authority limited to performance of contracting functions in accordance with DoDD 4500.34R, AFR 75-17, and AFM 75-2. Normally, limit appointments to commissioned officers and noncommissioned officers, E-6 and above, and civilians, GS-7 and above, who have a minimum of two years of transportation experience.

(e) Other non-contracting personnel (e.g. Medical Supply Officers, Librarians, Chiefs of Construction Management) when the following conditions are present:

(1) The individual shall be in a middle to senior level position; for civilians, GS-7 or above; commissioned officers, O-2 or above; and noncommissioned officers, E-7 or above;

(2) Authority shall be limited as to dollar amount (nor-



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mally \$1,000 or below) and normally as to type of commodity. For example, librarians should be authorized to buy books, but not construction materials.

(3) The individual must formally commit to complete contracting courses consistent with current guidance. All personnel with limited warrants are required to take the Defense Small Purchase Course. The contracting officer may require individuals, who will be working on contracts that exceed the small purchase limitation, to take the Defense Contract Administration or Defense Acquisition Contracts Basic Course. The courses may be taken by correspondence. Individuals must sign an agreement to complete each course taken and the individual's MAJCOM shall reimburse the Acquisition Career Development Program for ACE funds used to print the course materials. The Defense Small Purchase Course shall be taken within the first year after appointment. The total education requirement shall be completed within two years. Failure to complete the courses may be cause for terminating the appointment.

**5301.603-3 Appointment.**

(a) Appointing authorities. Authority to appoint contracting officers is included in the authority of the HCA (5301.601-91) and the delegations of general contracting authority (5301.601-92(a)). In order to provide a consistent system and delegations of authority to appoint contracting officers for Major, Selected, and Other Programs, as well as Other Contracting (see 5302.101), the authority to appoint contracting officers is delegated to the major command, FOA, and DRU DCS for Contracting and Directors of Contracting, with authority to redelegate to field activity directors of contracting.

(b) Contracting officer appointment authority for limited contracting officers may be delegated to the chief of each contracting office. The chiefs of contracting offices receiving such authority shall establish procedures for selection of qualified personnel, appointment and termination of appointment.

(c) The commander or deputy commander of a base, division, wing, and so forth, and, in the case of AFMC activities, the Director of Contracting (or equivalent) shall review and sign the request for designation of a contracting officer. However, if this individual is the appointing authority, the request shall be reviewed and signed by the officer (or civilian) immediately subordinate. Chief of the USAFE contracting centers shall sign such request for officers serving with the USAFE contracting centers. Appointing authorities for contracting officers have the authority to waive the qualification requirements stated in 5301.603-2 when the best interests of the Air Force will be served. In

such cases, the justification for granting the waiver shall be in writing and approved by the appointing authority. The request shall include--

(1) A résumé of the applicant's qualifications;

(2) A statement by the person signing the request that the qualifications in the résumé were verified against the applicant's personnel file;

(3) If the applicant is not an employee of the requesting activity and the applicant's qualifications are known, a statement that the applicant is qualified; and

(4) If the applicant is not an employee of the requesting activity and the applicant's qualifications are not known, a summary of an interview of the applicant and the chief or deputy chief of purchasing office. The summary shall include a statement that the applicant is qualified. If the applicant is located at a distance which makes it impractical and uneconomical to conduct an interview, this requirement shall be waived. Justification for not having an interview may be included. However, the statement that the applicant is qualified shall still be made.

(d) Requests for designation of redistribution and marketing (R&M) personnel as a sales contracting officer shall be signed by the chief of the R&M activity and forwarded to the major command R&M staff office. Requests for designation of the chief of an R&M activity shall be initiated by the major command R&M officer or deputy R&M officer.

(e) All appointments shall be reviewed at least once every five years by the appointing authority to determine whether each contracting officer has maintained professional proficiency and otherwise remains qualified. Warrant authority shall be terminated or reduced in scope, when appropriate.

(f) Each appointing authority shall promptly distribute copies of instruments of appointment as follows--

(1) Original to the individual appointed;

(2) One true copy to the individual appointed (to be furnished by that individual to the accounting and finance officer if requested); and

(3) One true copy to the activity having custody of the military personnel field record for permanent retention in the personnel file of each military contracting officer.

(4) One copy to the servicing Civilian Personnel Office having custody of the civilian personnel records for input into the Personnel Data System-Civilians (PDS-C) of the type, date, and amount of the instrument.

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**5301.603-4 Termination.** Each appointing authority shall promptly distribute copies of the instrument terminating a contracting officer's authority to the addressees indicated in 5301.603-3(f)(1).

**5301.690 Contracting authority of other personnel.** Only the following purchases may be made by individuals other than the duly appointed contracting officers:

- (1) Imprest fund purchases under FAR Subpart 13.4;
- (2) Purchases of fuel, oil, and repairs IAW AFR 67-24;
- (3) Emergency purchases of medical supplies and equipment IAW AFM 67-1, Volume 5, Chapter 16, Paragraph 12, followed by issuing a confirmatory purchase order by the base contracting office or a cash purchase receipt by a cash purchasing officer;
- (4) Partial tuition assistance IAW AFR 213-1;
- (5) Tuition or registration fees for intergovernmental agency training;
- (6) Nonappropriated fund custodians IAW AFR 176-9;
- (7) Subsistence purchases made by authorized food service personnel in support of the "Monetary Credit Allowance Management Systems" (AFR 146-7);
- (8) Supplemental care referrals by the Director of Base Medical Services, IAW AFR 168-10, Section D;
- (9) SF 44 purchases IAW FAR 13.505-3; provided, the individual has been trained in the use of the SF 44 and has written authorization from the contracting officer.

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